

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 3 August 2023

Public Authority: London Borough of Bromley
Address: Stockwell Close
Bromley
Kent
BR1 3UH

Decision (including any steps ordered)

1. The complainant requested information about public toilets. By the date of this notice the London Borough of Bromley (the Council) had not issued a substantive response to this request.
2. The Commissioner's decision is that the Council has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Council to take the following step to ensure compliance with the legislation.
 - the Council must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Council must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 9 May 2023, the complainant wrote to the Council and requested information in the following terms:

“Under the Freedom of Information Act (2000), I would like to request the following information regarding or pertaining to the public toilets in Crystal Palace Park, opposite Brown & Green:

1. Internal meeting minutes/notes regarding or pertaining to these toilets.
2. Minutes/notes from meetings with any external partners or parties regarding or pertaining to these toilets.
3. Correspondence (such as emails or joint statements) with any internal and external partners or parties which discuss these toilets.
4. Plans made to renovate and improve the public toilets. These could be in any format, such as budgets, applications, or plans discussed in minutes or correspondence.

All the above are requests for any and all relevant information dated from 2018 to present. I would like you to provide this information in the following format:

1. Electronic (preferred format).
 2. Hard copy (where electronic format is not possible). I would welcome a combination of electronic and hard copies of information where necessary.”
6. The Council acknowledged the request on 10 May 2023. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him.”

8. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
9. On 18 July 2023 the Commissioner wrote to the Council, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the Council has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF